

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA

v.

MARKELL TERREL GRAY;
ROBERT MELLONE YARIEK LEAKE,
a/k/a LIL ROB; and
JANELLE MONIQUE JACKSON

INDICTMENT

Case No. _____

Violations: 21 U.S.C. §§ 841(a)(1),
841(b)(1)(B)(vi), 846, and 853(a);
18 U.S.C. §§ 922(g)(1), 924(a)(8),
924(c)(1)(A), 924(d), and 2; and
28 U.S.C. § 2461(c)

COUNT ONE

**Conspiracy to Possess with Intent to Distribute and
Distribute a Controlled Substance**

The Grand Jury Charges:

From on or about June 9, 2022, and continuing through on or about November 28,
2023, in the Districts of North Dakota, Minnesota, and elsewhere,

MARKELL TERREL GRAY;
ROBERT MELLONE YARIEK LEAKE, a/k/a LIL ROB; and
JANELLE MONIQUE JACKSON

did knowingly and intentionally combine, conspire, confederate, and agree together and
with others, both known and unknown to the grand jury, to possess with intent to
distribute and distribute 40 grams or more of a mixture and substance containing a
detectable amount of fentanyl,¹ a Schedule II controlled substance, in violation of Title
21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(vi), and Title 18, United
States Code, Section 2.

¹ The chemical name of fentanyl is N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]
propanamide. See 21 U.S.C. § 841(b)(1)(B)(vi).

DRUG QUANTITY

The grand jury specifically finds that the amount involved in the conspiracy attributable to each of these defendants as a result of each defendant's own conduct, and of the conduct of other conspirators reasonably foreseeable to the defendants, is 40 grams or more of a mixture and substance containing fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(B)(vi).

OVERT ACTS

1. It was a part of said conspiracy that the defendant and others would and did distribute and possess with intent to distribute fentanyl, a Schedule II controlled substance, in the states of North Dakota, Minnesota, and elsewhere;
2. It was further a part of said conspiracy that one or more of the conspirators arranged the transfer of fentanyl, a Schedule II controlled substance, from outside the state of North Dakota into North Dakota;
3. It was further a part of said conspiracy that the defendants and others would and did possess firearms;
4. It was further a part of said conspiracy that the defendants and others would and did attempt to conceal their activities;
5. It was further a part of said conspiracy that the defendants and others would and did use United States currency in their drug transactions;
6. It was further a part of said conspiracy that the defendants and others would and did use mobile payment apps and social media in their drug transactions; and

7. It was further a part of said conspiracy that the defendants and others would and did use telecommunication facilities, including cellular telephones, to facilitate the distribution of fentanyl;

In violation of Title 21, United States Code, Section 846, and Pinkerton v. United States, 328 U.S. 640 (1946).

COUNT TWO

Possession with Intent to Distribute a Controlled Substance

The Grand Jury Further Charges:

On or about November 28, 2023, in the District of North Dakota,

MARKELL TERREL GRAY;
ROBERT MELLONE YARIEK LEAKE, a/k/a LIL ROB; and
JANELLE MONIQUE JACKSON

individually, and by aiding and abetting, knowingly and intentionally possessed with intent to distribute 40 grams or more of a mixture and substance containing fentanyl, a Schedule II controlled substance;

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(vi), and Title 18, United States Code, Section 2.

COUNT THREE

Possession of a Firearm in Furtherance of a Drug Trafficking Crime

The Grand Jury Further Charges:

On or about November 28, 2023, in the District of North Dakota,

MARKELL TERREL GRAY;
ROBERT MELLONE YARIEK LEAKE, a/k/a LIL ROB; and
JANELLE MONIQUE JACKSON,

individually, and by aiding and abetting, did knowingly possess a firearm, namely, Deep River Plastics, Model FNX-45, .45 ACP pistol, bearing Serial Number FX3U111524, in furtherance of a drug trafficking crime for which they may be prosecuted in a court of the United States, that is, Conspiracy to Possess with Intent to Distribute and Distribute a Controlled Substance, as set forth in Count One, and Possession with Intent to Distribute a Controlled Substance, as set forth in Count Two;

In violation of Title 18, United States Code, Sections 924(c)(1)(A), and 2.

COUNT FOUR

Possession of a Firearm in Furtherance of a Drug Trafficking Crime

The Grand Jury Further Charges:

On or about November 28, 2023, in the District of North Dakota,

ROBERT MELLONE YARIEK LEAKE, a/k/a LIL ROB,

individually, and by aiding and abetting, did knowingly possess a firearm, namely, SCCY, Model CPX-2, 9mm pistol, with an obliterated serial number, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, Conspiracy to Possess with Intent to Distribute and Distribute a Controlled Substance, as set forth in Count One, and Possession with Intent to Distribute a Controlled Substance, as set forth in Count Two;

In violation of Title 18, United States Code, Sections 924(c)(1)(A), and 2.

COUNT FIVE

Possession of a Firearm by a Convicted Felon

The Grand Jury Further Charges:

On or about November 28, 2023, in the District of North Dakota,

MARKELL TERREL GRAY,

individually, and by aiding and abetting, knowing that he had previously been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, to wit:

1. Conspiracy to Possess with Intent to Manufacture or Deliver a Controlled Substance, a Class B felony, in violation of N.D. Cent. Code §§ 19-03.1-23-(1)(a), 12.1-06-04, and 19-03.1-07(3), State of North Dakota, County of Cass, East Central Judicial District, Case Number 09-2022-CR-2396, with an offense date of on or about June 8, 2022, and judgment entered on or about July 3, 2023,

did knowingly possess in and affecting commerce a firearm, that is:

1. Deep River Plastics, Model FNX-45, .45 ACP pistol, bearing Serial Number FX3U111524;

In violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(8), and 2.

COUNT SIX

Possession of a Firearm by a Convicted Felon

The Grand Jury Further Charges:

On or about November 28, 2023, in the District of North Dakota,

JANELLE MONIQUE JACKSON,

individually, and by aiding and abetting, knowing that she had previously been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, to wit:

1. Conspiracy to Possess with Intent to Manufacture or Deliver a Controlled Substance, a Class B felony, in violation of N.D. Cent. Code §§ 19-03.1-23-(1)(a), 12.1-06-04, and 19-03.1-07(3), State of North Dakota, County of Cass, East Central Judicial District, Case Number 09-2022-CR-2398, with an offense date of on or about June 8, 2022, and judgment entered on or about July 3, 2023,

did knowingly possess in and affecting commerce a firearm, that is:

1. Deep River Plastics, Model FNX-45, .45 ACP pistol, bearing Serial Number FX3U111524;

In violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(8), and 2.

COUNT SEVEN

Possession of Firearms by a Convicted Felon

The Grand Jury Further Charges:

On or about November 28, 2023, in the District of North Dakota,

ROBERT MELLONE YARIEK LEAKE, a/k/a LIL ROB,

individually, and by aiding and abetting, knowing that he had previously been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, to wit:

1. Aiding and Abetting a Drive-by Shooting, a felony, in violation of Minn. Stat. §§ 609.66.1e(b), 609.11, and 609.05, State of Minnesota, County of Hennepin, Fourth Judicial District, Case Number 27-CR-10-32975, with an offense date of on or about July 6, 2010, and judgment entered on or about February 24, 2011;
2. Felon in Possession of a Firearm, a Class C felony, in violation of N.D. Cent. Code §§ 62.1-02-01 and 62.1-02-01(1), State of North Dakota, County of Cass, East Central Judicial District, Case Number 09-2016-CR-971, with an offense date of on or between October 12 and 25, 2015, and judgment entered on or about November 9, 2016;
3. Third Degree Sale of Drugs, a felony, in violation of Minn. Stat. §§ 152.023.1(1) and 152.023.3(a), State of Minnesota, County of Stearns, Seventh Judicial District, Case Number 73-CR-16-9221, with an offense date of on or about September 30, 2016, and judgment entered on or about August 3, 2017;
4. Felon in Possession of a Firearm, a felony, in violation of Minn. Stat. §§ 624.713.1(2) and 624.713.1(2), State of Minnesota, County of Stearns, Seventh Judicial District, Case Number 73-CR-16-9350, with an offense date of on or about October 7, 2016, and judgment entered on or about August 3, 2017;
5. Second Degree Sale of Drugs, a felony, in violation of Minn. Stat. §§ 152.022.1(2)(i) and 152.022.3(a), State of Minnesota, County of Stearns, Seventh Judicial District, Case Number 73-CR-16-9350, with an offense date of on or about October 7, 2016, and judgment entered on or about August 3, 2017,

did knowingly possess in and affecting commerce firearms, that is:

1. Deep River Plastics, Model FNX-45, .45 ACP pistol, bearing Serial Number FX3U111524; and
2. SCCY, Model CPX-2, 9mm pistol, with an obliterated serial number;

In violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(8), and 2.

COUNT EIGHT

Possession of a Firearm by a Convicted Felon

The Grand Jury Further Charges:

On or about February 5, 2024, in the District of North Dakota,

ROBERT MELLONE YARIEK LEAKE, a/k/a LIL ROB,

individually, and by aiding and abetting, knowing that he had previously been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, to wit:

1. Aiding and Abetting a Drive-by Shooting, a felony, in violation of Minn. Stat. §§ 609.66.1e(b), 609.11, and 609.05, State of Minnesota, County of Hennepin, Fourth Judicial District, Case Number 27-CR-10-32975, with an offense date of on or about July 6, 2010, and judgment entered on or about February 24, 2011;
2. Felon in Possession of a Firearm, a Class C felony, in violation of N.D. Cent. Code §§ 62.1-02-01 and 62.1-02-01(1), State of North Dakota, County of Cass, East Central Judicial District, Case Number 09-2016-CR-971, with an offense date of on or between October 12 and 25, 2015, and judgment entered on or about November 9, 2016;
3. Third Degree Sale of Drugs, a felony, in violation of Minn. Stat. §§ 152.023.1(1) and 152.023.3(a), State of Minnesota, County of Stearns, Seventh Judicial District, Case Number 73-CR-16-9221, with an offense date of on or about September 30, 2016, and judgment entered on or about August 3, 2017;
4. Felon in Possession of a Firearm, a felony, in violation of Minn. Stat. §§ 624.713.1(2) and 624.713.1(2), State of Minnesota, County of Stearns, Seventh Judicial District, Case Number 73-CR-16-9350, with an offense date of on or about October 7, 2016, and judgment entered on or about August 3, 2017;
5. Second Degree Sale of Drugs, a felony, in violation of Minn. Stat. §§ 152.022.1(2)(i) and 152.022.3(a), State of Minnesota, County of Stearns, Seventh Judicial District, Case Number 73-CR-16-9350, with an offense date of on or about October 7, 2016, and judgment entered on or about August 3, 2017,

did knowingly possess in and affecting commerce a firearm, that is:

1. Ruger, Model SR9, 9mm pistol, bearing Serial Number 335-32173;

In violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(8), and 2.

FORFEITURE NOTICE ONE

Upon conviction of one or more offenses alleged in Counts One through Seven of this Indictment,

MARKELL TERREL GRAY;
ROBERT MELLONE YARIEK LEAKE, a/k/a LIL ROB; and
JANELLE MONIQUE JACKSON

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d), Title 21, United States Code, Section 853(a), and Title 28, United States Code, Section 2461(c), all firearms involved in the commission of the offense, including, but not limited to, the following:

1. Deep River Plastics, Model FNX-45, .45 ACP pistol, bearing Serial Number FX3U111524; and
2. SCCY, Model CPX-2, 9mm pistol, with an obliterated serial number.

FORFEITURE NOTICE TWO

Upon conviction of the offense alleged in Count Eight of this Indictment,

ROBERT MELLONE YARIEK LEAKE, a/k/a LIL ROB,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)

and Title 28, United States Code, Section 2461(c), all firearms involved in the

commission of the offense, including, but not limited to, the following:

1. Ruger, Model SR9, 9mm pistol, bearing Serial Number 335-32173.

A TRUE BILL:

/s/ Foreperson

Foreperson

/s/ Mac Schneider

MAC SCHNEIDER

United States Attorney

JTR/alk